UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
VU, THANH T

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This communication is responsive to Amendment, filed 06/03/2006.

Claims 1-5 are pending in this application. In the Amendment, claim 1 was amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorensen al. ("Sorensen", US 5,761,610).

As per claim 1, Sorensen discloses a device having a user interface and directional buttons for controlling a menu shift the device comprising: a recognition module for determining if the directional buttons have been pressed and for generating a shift command (figs 1 and 3A; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36; menu key allows a user to scroll thorough menu items; clear key allows a user to move from one menu page to another); a timer module for determining a duration for which directional button is pressed (figs 1 and 3A; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36); and a pointer carrier for shifting the position of the pointer in response to said shift command wherein said shift command directs said pointer carrier to shift said pointer to a next menu item on a page including a plurality of menu items if said determined duration is shorter than a preset duration, and said shift command directs said pointer carrier to shift said pointer to a next menu page if said

determined duration is longer than or equal to said preset time (figs 1 and 3A; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36; the short menu page has more than one menu items, see col. 3, lines 19-26; col. 4, lines 40-42);.

As per claim 2, Sorensen discloses a method for controlling a menu shift in a device having directional buttons and a user interface, the method comprising: (a) checking if an event has been generated, and determining the kind of the generated event (figs 1, 3A, and 5; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36); (b) operating a timer, and returning to step (a) if the generated event is a push of a directional button (figs 1, 3A, and 5; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36); (c) shifting a pointer currently pointing to a predetermined menu on a screen to a corresponding menu on a next page, if the generated event is a timer interrupt, that signals lapse of a predetermined time, and returning to step (a) (figs 1, 3A, and 5; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36); and (d) ceasing operation of the timer if the generated event is a release of the directional button, checking whether or not the timer interrupt had been previously generated, and returning to step (a) if the timer interrupt has been generated and returning to step (a) after shifting the pointer to a next menu if the timer interrupt has not been generated (figs 1, 3A, and 5; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36).

As per claim 3, Sorensen discloses the method further comprising the step of returning to step (a) if the generated event is not a release of the directional button (figs 1, 3A, and 5; col. 3, lines 60-63; col. 4, lines 40-42 and lines 50-62; col. 5, lines 21-36).

Claim 4 is similar in scope to claim 2 and therefore is rejected under similar rationale.

Claim 5 is similar in scope to claim 4 and therefore is rejected under similar rationale.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Sorensen does not teach "wherein said shift command directs said pointer carrier to shift said pointer to a next menu item on a page including a plurality of menu items if said determined duration is shorter than a preset duration, and said shift command directs said pointer carrier to shift said pointer to a next menu page if said determined duration is longer than or equal to said preset time". The examiner does not agree because in Sorensen, there are only 2 options for the menu key. One is the menu key is held for a time period that is shorter than time period T1, and the other is the menu key is held for a time period that is greater than time period T1. When the menu key is held for a time period that is greater than T1, the controller goes to the extended menu (col. 3, lines 57-63). However, the extended menu is skipped when the menu key is activated (col. 4, lines 40-42). This leads examiner to believe that menu key is activated only when the menu key is held for a time period less than T1. Furthermore, Sorensen teaches scrolling to the next menu item when the menu key is activated (col. 4, lines 40-42). Therefore, the menu key is activated for a time period shorter than T1, it scrolls to the next menu item in the short menu. Accordingly, Sorensen read on the claim language of "wherein said shift command directs said pointer carrier to shift said pointer to a next menu item on a page including a plurality of menu items if said determined duration is shorter than a preset duration, and said shift command directs said pointer carrier to shift said

pointer to a next menu page if said determined duration is longer than or equal to said preset time".

In addition, the applicant points out that Sorensen does not teach "checking whether or not the timer interrupt had been previously generated".

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the system of Sorensen must determine whether a key has been released within a period of time in order to determine the time threshold has been reached. A timer is generated when the key is pressed and held in position, and the timer is interrupted when the key is released (col. 3, lines 52-62). Accordingly, Sorensen reads on the claim language of "checking whether or not the timer interrupt had been previously generated".

Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The

examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

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